

EX

Notice of Allowability

Application No.

10/732,883

Examiner

Jason M. Han

Applicant(s)

MATTHEWS ET AL.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 28 November 2006 and telephone interview on 12 February 2007.
2. ☒ The allowed claim(s) is/are 1-3, 7-13, 22 and 25-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070212.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bennet K. Langlotz on Monday, February 12, 2007.

The application has been amended as follows:

- a. Claim 1, Line 13, following "of the lamp;": Delete "and"
- b. Claim 1, Line 15, following "ring rotatable about the axis": Replace "." with -- ; wherein the flashlight includes a leak-resistant housing defining a chamber, and wherein the second switch is positioned outside the chamber; and wherein the second switch includes a sensor component within the housing, the sensor component operable to detect the position of the second switch. --
- c. Cancel Claims 5-6
- d. Cancel Claims 14-15
- e. Claim 22, Line 15, following "at an opposed second end;": Delete "and"
- f. Claim 22, Line 17, following "the first and second ends": Replace "." with -- ; wherein the first switch is a push-button switch responsive to linear pressure; and wherein the first switch is positioned on a rear end portion of the body and responsive to linear pressure along the axis. --
- g. Cancel Claims 23-24

h. Add Claim 25 --

A flashlight comprising:

an elongated housing body defining an axis;

a lamp within the housing;

a power storage element within the housing;

a first switch connected to the housing;

a second switch including a movable portion that is movable with respect to the housing and that includes a magnet;

the second switch including a sensor portion in the housing;

an electronic controller in the housing;

the controller having a first switch input connected to the first switch;

the controller having a second switch input connected to the second switch sensor portion;

the controller being operable in response to actuation of the first switch to deliver power to the lamp;

the controller being operable in response to a signal received from the second switch to establish a degree of the delivered power, such that the second switch determines a brightness of the lamp. --

i. Add Claim 26 --

The flashlight of claim 25 wherein the sensor portion of the second switch includes a plurality of sensors each connected to the controller. --

j. Add Claim 27 --

The flashlight of claim 26 wherein each one of the sensors operates to indicate whether the magnet is in a proximate position, such that the position of the magnet is transmitted to the controller based on which sensor the magnet is proximate. --

k. Add Claim 28 --

The flashlight of claim 25 wherein the first switch is positioned at a first end, and the lamp at an opposed second end, the second switch being closer to the second end than the first end. --

l. Add Claim 29 --

The flashlight of claim 25 including a plurality of different color lamp components, and wherein the controller is operable in response to a signal received from the second switch to provide a selected power to at least one of the lamp components to provide a selected output color. --

m. Add Claim 30 --

The flashlight of claim 25 wherein the ring is movable through a range of angular positions, and the controller is operable to establish the degree of power level based on the absolute position of the switch. --

n. Add Claim 31 --

The flashlight of claim 25 wherein the lamp is positioned at a first end and the first switch at an opposed second end, and including at least two independent electrical paths between the first and second ends. --

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:
3. With regard to Independent Claims 1 and 25, the Applicant has sufficiently amended and defined a flashlight including a lamp, power storage element, a first switch, a second switch, and an electronic controller. The prior art fails to teach or suggest the combination of structural limitations claimed therein, specifically to the second switch being a rotatable ring utilizing a sensor component that determines a brightness of the lamp, and all subsequent dependent claims are allowed. The prior art to Coffman (U.S. Patent 4,782,432) fails to adequately modify the reference to Chapman (U.S. Publication 2004/0190286), which teaches a variable dimming resistor [Note: Applicant's arguments on Page 8 filed on November 28, 2006].
4. With regards to Independent Claim 22, the Applicant has sufficiently amended and claimed a flashlight including a lamp, a power storage element, a first switch, a second switch, and an electronic controller. The prior art fails to teach or suggest the combination of structural limitations claimed therein, specifically to the first switch being a push-button switch responsive to linear pressure along the axis of the flashlight's elongated body and the second switch being a ring rotatable about the axis and positioned at an intermediate location on the body.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

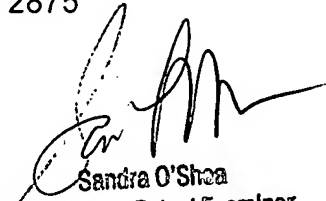
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M Han
Examiner
Art Unit 2875

JMH (2/12/2007)



Sandra O'Shea
Supervisory Patent Examiner
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